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No. _____

Supreme Court, U.S.
FILED
OCT 10 1987
JOSEPH F. SPANIOL, JR.
CLERK

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA

October Term, 1987

**In re Edward J. Arlt and wife, Carol A. Arlt;
Petitioners,**

---

on a Petition for a Common Law
Writ of Prohibition

MOTION FOR A FREE WHITE MALE CHRISTIAN BENCH

Edward J. Arlt
67th Judicial District of Texas
5th Judicial Circuit of the Union
1501 Tyler Street
Arlington, Texas
Petitioner - In Propria Persona,
Sui Juris

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TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES	ii
OBJECT OF MOTION	1
FACTS	1
ARGUMENT	2
INTENT	17
CONCLUSION	18

TABLE OF AUTHORITIES

Page

Cases

Dred Scott v. Sandford,
19 How 393. . . . . 4, 5, 15

Exparte Virginia,
100 U.S. 344 (1879) 6

Hill v. People,
16 Mich. 352 (1868) 5

Holy Trinity Chruch v. U.S.,
143 U.S. 471 (1892) 9, 10

U.S. v Callender,
25 Fed. Case No. 14,709 . . . . 12, 13

Constitutional Provisions

U.S. Const., Preamble. 2, 4, 8, 15

U.S. Const., Art I sec 8 cl 9. . . . . 7, 8

U.S. Const., Art III 1, 5, 7, 8, 15

U.S. Const., Art VI sec 2. 12

U.S. Const., Preamble Bill of Rights . 9,10

U.S. Const., Amend 1 . . . . . 3, 9, 11, 13

U.S. Const., Amend 13 . . . 4, 6, 7, 14, 16

U.S. Const., Amend 14 . . 4,6,7,10,11,14,16

U.S. Const., Amend 15 . . . 4, 6, 7, 14, 16

U.S. Const., Amend 19 . . . 4, 6, 7, 14, 16

Del. Const., Art 22 (1776) 3

TABLE OF AUTHORITIES CONT

Statutory Provisions

28 USC sec 453 12

28 USC sec 455(a). 17

1 Stat. 76, Ch. 2, sec 8,
Sept. 24, 1789. 12

36 Stat. 1090, Ch 231, sec 20
March 3, 1911 17

4 Fed. Stat. Ano. 497,
R.S. Sec. 712 12

Other Provisions

Op Atty Gen. 12

Holy Bible (KJV),[1/] I Cor. 11:13. . . . 15

Holy Bible (KJV), I Timothy 2:11-12. 14, 15

Holy Bible (KJV), II John 1:7,9. 13

Holy Bible (KJV), Deut. 17:15. 14

Holy Bible (KJV), Isaiah 66:16 12

Holy Bible (KJV), Isaiah 45:23 13

Holy Bible (KJV), Psalms 1:5-6 14

Holy Bible (KJV), St. Matthew 10:32-33 . 18

[1/] *All authorities taken from Holy Bible are taken from the original text of the 1611 King James Version, with the exception that spelling is changed to modern English.*

Holy Bible (KJV), St. John 5:23. 13

Holy Bible (KJV), Zechariah 5:3. 14

OBJECT OF MOTION

Comes now Petitioner, Edward J. Arlt, in propria persona, sui juris, to move this honorable court, either by its order, or by individual recusal, to allow only free, white, Christian, male justices on the bench during all proceedings pertaining to the accompanying Petition for a Common Law Writ of Prohibition and this motion.

It is requested, consistent with the instant motion, that only free, white, Christian, male Justices hear Arlt's Petition and motion, because to proceed otherwise would, by implication, be a waiver of the Article III jurisdiction invoked by the Common Law Petition for a Writ of Prohibition filed herewith in this Court.

FACTS

The jurisdictional statement in Arlt's Petition for a Common Law Writ of Prohibition was transmitted to the clerk of the court, in accordance with the rules

thereof, on October 8th, 1987, and said case is now pending for docketing.

Petitioner is a free, white, Christian, male, a citizen as contemplated by the Preamble to the United States Constitution. His status as such, stands complete and unaffected by outside influence in the instant case. (See the Jurisdictional Statement in the Petition, pp. 4-15)

ARGUMENT

In the above entitled cause, as in all other instances Petitioners seek to God, His Son Jesus the Christ, and the Holy Spirit (as one) for the highest judgement. This is the firm conviction of Petitioners' conscience. This court being the highest mortal authority within the United States, the courts jurisdiction is best compliment-ed and retained when its justices hold this sentiment also.

It is petitioners firm conviction that

only those of the Christian faith by prayer and faith in, and guidance of, God almighty, in the Trinity, can make pure judgement in accord with the Laws of God upon which the United States Constitution was founded. The governments of the several United States of America, as well as that of their collective Union, are founded upon Christianity and the Laws of God ultimately incorporated therein. (viz, the laws of God are incorporated in both Christianity and our Constitutional Republic).

One of the Christian faith will "profess faith in God the Father, and in Jesus Christ His only Son, and in the Holy Ghost, one God for evermore and... acknowledge the holy scriptures of the Old and New Testiment to be given by divine inspiration," as stated in article 22 of the Original Constitution of the State of Delaware (1776).

According to the protections of the first

Article of the Bill of Rights, Petitioners retain the God given inalienable right to be judged in this mortal life by Gods people of the sovereign body and the body of Christ, white Christians.

The status of the Petitioners demands that the bench of this court must consist only of true members of the sovereign body in the United States to adjudicate the instant action. Said sovereign body is clearly designated in the Preamble to the United States Constitution and only includes free white natural persons born or naturalized within the jurisdiction of a State in the Union. (Dred Scott v. Sanford, 19 How. (60 U.S.) 393, (1857))

All those who claim the privilege of membership in the body which exercises the sovereignty in the United States (i.e. rights of the body politic, etc.), by authority of the 13th, 14th, and 15th amendments, or the 19th amendment, are not

citizens or members of the sovereignty except for by virtue of the fictional privilege created by those so-called amendments and the power of Congress of the United States purportedly extended thereby. Those recognized as citizens in the words "We the People" in the Preamble to the United States Constitution were citizens even before the adoption of the United States Constitution, and their posterity (those of the same blood) hold their citizenship sui juris (of their own natural right) as heirs to the natural rights of their forefathers and their race. Dred Scott v. Sanford, supra, 19 How at 426-427.

The United States Supreme Court, as constituted by Article III of the United States Constitution must consist only of "We the people" or members of their "Posterity". No non-citizen has the right to sit in judgement of a citizen, (Hill v.

People, 16 Mich. 352, (1868)), nor does a person that claims the rights of sovereignty (afforded by mere fiction or privilege) have the right, standing, or power to sit in judgement of a natural member of the sovereignty.

It is only by the power of Congress that certain "privileges" of sovereignty are exercised by those contemplated within purview of the 13th, 14th, 15th and 19th amendments. (13th am. sec. 2, 14th am. sec. 5, 15th am. sec. 2, 19th am. sec. 2). It is only the power of Congress that is purported to be extended by these amendments. (Ex p. Virginia, 100 U.S. 344, (1879)).

A privilege offered and exercised, and a natural right exercised sui juris, are of different character. The former is merely by the tolerance of the sovereign body, while the latter is the individual act of a member of the sovereignty. To say that a mere privilege could be exercised sui juris

would be contradictory, in essence a nullity.

If it be by power of Congress that one is a member of the judiciary, and if without that extension of Congress' power beyond the limitations of the original organic law said so called member of the judiciary could not constitutionally hold the judicial office of justice of the United States Supreme Court, then how is the tribunal to be considered an Article III (judicial) court when thus constituted?

In the instant case the Petitioners have invoked the jurisdiction of the this court as constituted and established under Article III of the United States Constitution, not the jurisdiction of a tribunal having officers appointed according to Article I section 8 clause 9 in conjunction with the 13th, 14th, 15th and/or 19th amendments. (Jurisdictional Statement pp. 12,14,16)

The principle of separation of powers inherent in the Original United States Constitution clearly dictates that for a court to be one as known to Article III of the United States Constitution no power of Congress can be execised by it during the course of the proceedings before it.

If this principle (seperation of powers) is not followed then the court having members at the behest of Congress, rather than the Preamble and article III of the Original Constitution, is reduced to a mere tribunal constituted under Article I section 8 clause 9 of the United States Constitution.

Petitioner has come to the United States Supreme Court to invoke the powers of the Judiciary not the powers of Congress. (Jurisdictional Statement)

As to petitioners motion for a Christian court, it must be noted that by unanimous decision of this court it has been deter-

mined that this is a Christian nation. In the case of Holy Trinity Church v. United States, (143 U.S. 471, (1892)) this court after mentioning various circumstances added,

> "these and many other matters which might be noticed, add a volume of unofficial declarations to the mass of organic utterances that this is a Christian nation."

By this courts own words it is this established religion (Christianity), the exercise of which cannot be interfered with according to the prohibition of the first article of the Bill of Rights.

The Preamble to the Bill of Rights clearly establishes the mischief to be prevented by the first and other Articles of the Bill of Rights.

> "The conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to **prevent misconstruction or abuse of its powers**, that further declaratory and restrictive clauses should be added: and as extending the ground of public confidence in the government, will

best insure the benificient ends of its institution" Preamble, Bill of Rights U.S. Const.

It is understood by it (Preamble to The Bill of Rights) that the Bill of Rights is intended to prevent the powers of the national government from being used to usurp Christian principle, Christian law, and Christian conscience. Accordingly if Congress has no constitutional power to intefere with petitioners' afforesaid rights of conscience, neither does the lawful judiciary.

The judiciary's only duty in respect to petitioners' rights of conscience is to uphold those rights against all encroachments perpetrated at the national level.

By the words of Holy Trinity Church supra, the first Article of the Bill of Rights protects no other religion or religious practice than Christianity.

Thus, again it would only be by extended Congressional power, purported by the 14th

amendment to exist (all creeds), that this court would sit in judgement of petitioners, with unchristian justices. Without purview of the 14th amendment, which is the manner in which this courts jurisdiction is invoked in the instant cause, only one creed can lawfully be espoused by this court, the creed of Christianity. Only a Christian could properly recognize and espouse the Christian creed.

Christian law, Christian principle, espoused by a Christian court, concerning Christian petitioners, in a Christian nation, is the only way to maintain the protection of Christianity inherent in the first Article of the Bill of Rights.

As to the conscience of petitioners, and the Christian law, petitioners must demand and follow, the law perscribed by the Old and New Testiment, which is the inspired word of God Almighty.

The Holy Bible puts petitioners as well as

this court on notice:

> "...He that shall swear in the earth shall swear by the God of truth..." Isaiah 66:16, Holy Bible (KJV)

All justices of the Supreme Court are required to take an oath of office. (Art. VI sec. 2 U.S. Const.) This oath concludes with an ultimate appeal to God in the words "So help me God". (28 USC sec. 453; 4 F.S.A. 497, R.S. Sec. 712; Sept. 24, 1789, ch. 20, sec. 8, 1 Stat. 76; Op. Atty. Gen. 449).

It is noted that in both the official and unofficial declarations, writings, etc., where the term "God" is used, in our Republic, the reference to "God" means the God known to Abraham, Issac, and Jacob noted in the Old and New Testiment of the Holy Bible as Father, Son, and Holy Spirit.

> "No position can be more clear than that all the federal judges are bound by the solemn obligation of religion to regulate their decisions agreeably to the Constitution of the United States, and that it is the standard of their determination in

all cases that come before them. U.S. v. Callender, 25 Fed. Cas. No. 14,709

The conscience of petitioners, as well as Congressional enactments in the spirit of the Original United States Constutution, require that only those taking an oath "by the God of truth" (a Christian oath) sit in judgement of the petitioners. All other oaths must be considered to be of the anti-christ.

"For many decievers are entered into the world, who confess not that Christ came in the flesh. This is a deciever and an antichrist." II John 1:7, Holy Bible (KJV)

"Whosoever trangresseth, and abideth not in the doctrine of Christ, hath not God. He that abideth in the doctrine of Christ, he hath both the Father and the Son." II John 1:9, Holy Bible (KJV)

"* * * He that honoreth not the Son honoureth not the Father which hath sent him." St. John 5:23, Holy Bible (KJV)

"That unto me (a just God and Savior) every knee shall bow, every tongue shall swear." Isaiah 45:23, Holy Bible (KJV)

By this means we maintain the protection of the first Article of the Bill of Rights against all those who will usurp

Christianity in this established Christian nation. Punishment to the usurper of Christianity will not be by men but by our Creator, the living God.

"Therefore the ungodly shall not stand in the judgement, nor sinners in the congregation of the righteous."
"For the Lord knoweth the way of the righteous: but the way of the ungodly shall perish." Psalms 1:5-6 Holy Bible (KJV)

"I will bring it forth, saith the Lord of hosts and it shall enter... into the house of him that sweareth falsly by My name, and it shall remain in the midst of his house, and shall consume it with the timber thereof and the stones thereof." Zechariah 5:3, Holy Bible (KJV)

As to those who would sit as justice by privilege of the 13th, 14th, 15th and/or the 19th amendments, words inspired by God have clearly told us not to let the stranger set over us, or to suffer a woman to teach.

"Thou shalt in any wise set him King over thee, whom the Lord thy God shall choose: one from amoung thy brethern shalt thou set king over thee: thou mayest not set a stranger over thee, which is not of thy brother." Deut. 17:15 Holy Bible (KJV)

"Let the woman learn in silence with all subjection. But I suffer not a woman to teach, not to usurp authority over the man, but to be in silence." I Timothy 2:11-12, Holy Bible (KJV)

"But I have you know, that the head of every man is Christ; and the head of the woman is the man; and the head of Christ is God." I Corinthians 11:3 Holy Bible (KJV)

The Preamble to the United States Constitution clearly establishes who the stranger is. (Dred Scott v. Sanford, supra, 19 How at 410, 411)

Here the Preamble to the Original United States Constitution and Article III thereof are obviously consistent with the Bible and the Common Law, all of which clearly command that this court be constituted of only free, white, Christian, men, as justices, in adjudication of the instant case. A court constituted otherwise is wholly against the inalienable rights and status of the petitioners, in the instant case, as well as the protections afforded

them by the God of Israel, the Constitution of the United States, and its Bill of Rights.

Finally, it is within reason to question whether certain justices, who sit upon the bench of the United States Supreme Court by virtue of the aforesaid extension of congressional powers rather than by purely judicial authority, will be impartial. The ruling on the instant motion as well as other proceedings in the instant petition will relate to direct interests such Justices hold in respect to the office they presently hold.

This interest is reasonably assumed to exist concerning a judicial officer who is absolutely dependant upon congressional protection of his "civil rights" to maintain his position as an official, viz, protection for them comes from the extention of congressional powers purported by the afforsaid 13th and subsequent

amendments.

As well, if a Justice holds a personal creed other than Christianity and takes an oath with an ultimate appeal to "God", it is reasonable to question his impartiality in the instant case.

> "Any justice * * * of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 USC sec. 455 (a); March 3, 1911, ch. 231, sec. 20, 36 Stat. 1090.

INTENT

The purpose of this motion is to:

1) assure the uncompromised invocation of the common law jurisdiction embodied in the words "in law" in Article III of the original Constitution for the United States of America (1787); and

2) assure the uncompromised invocation of the judicial Power embodied in Article III of said original Constitution of 1787; and

3) assure that those members of the judiciary that deny the authority of the

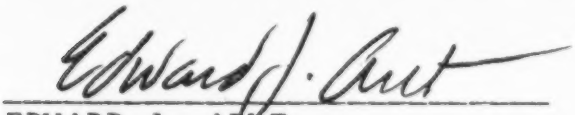
Everliving God of Abraham, Isacc, and Jacob are delivered unto his higher authority (footstool) for judgment. For the Christ said:

> "Whosoever therefore shall confess me before men, him will I confess also before my Father which is in heaven. But whosoever shall deny me before men, him will I also deny before my Father which is in heaven." S. Matthew 10: 32-33 (KJV (1611)

CONCLUSION

Therefore, Petitioners move that by order of the court, or individual recusal, the justices not in compliance with the petitioners rights of conscience and the afformentioned provisions of the original organic law obstain from the proceedings in the instant case: that only a panel of free, white, Christian, male justices hear all proceedings pertaining to the above entitled action, including the hearing of the forgoing motion.

Respectfully Submitted
In service of JESUS THE CHRIST



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67TH Judicial District of Texas
5th Judicial Circuit of the Union
1501 Tyler Street
Arlington, Texas
(817) 265-0126
Petitioner - In Propria Persona
Sui Juris

AFFIRMATION OF SERVICE

STATE OF TEXAS)
affirmed:
County of Tarrant)

I, Edward J. Arlt, being of lawful age and competent to testify, do hereby declare and affirm upon my own personal knowledge that I did this same day serve true and correct copies of the foregoing MOTION FOR A FREE WHITE MALE CHRISTIAN BENCH with APPENDIX by placing same in the U.S. Mail, certified, post paid, and addressed to each of the following:

1. Solicitor General of the United States of America
(Certified No. 456687470)
Department of Justice
Washington, D.C. 20530
2. The attorney for the United States in Civil Case
No. CA4-85-118K, U.S. District Court, Northern
District of Texas, Fort Worth Division:
Mary Vance (Certified No. 456687471)
Rm 5031
1100 Commerce St.
Dallas, Texas 75242
3. David O. Belew, Judge (Certified No. 456687472)
U.S. district Court
201 U.S. Courthouse
10th and Lamar Streets
Fort Worth, Texas 76102
4. Lawrence Gibbs, Commissioner
(Certified No. 456687473)
Internal Revenue Service
1111 Constitution Ave. N.W.
Washington, D.C. 20224

5. Edwin Meese, the Attorney General for the United States of America
(Certified No. P456687474)
Constitution Ave and 10th St. NW
Washington, D.C. 20530

6. The Secretary of the Treasury
(Certified No P456687475)
15th & Pennsylvania Ave NW
Washington, D.C. 20220

7. The Commissioner of Social Security
(Certified No. P456687476)
Baltimore, Maryland 21235

8. U.S. House of Representatives
(Certifed Mail No.456687477)
Office of the Speaker, Jim Wright
Capitol Building - Room H-204
Washington, DC 20515

The foregoing is true and submitted in good faith. Further affiant saith not. Submitted this 8th day of October, 1987.

Edward J. Arit
67th Judicial District
1501 Tyler St.
Arlington, Texas
(817) 265-0126

We, the undersigned, witness this day that the one known to us to be the above signator did personally appear before us and upon affirmation execute the above signature hereto.

_____,
Common Law Citizen of the Union

_____,
Common Law Citizen of the Union

_____,
Common Law Citizen of the Union